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PATENT
Docket No. 246152015600

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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Assistant Commissioner for Patents, Washington, D.C. 20231, on October 15, 2002.


Jose Luna

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Juan F. MARTIN, et al.

Serial No.: 10/018,009

Filing Date: December 14, 2001

For: GENES ENCODING ENZYMES IN THE
BIOSYNTHESIS OF PIMARICIN AND
THE APPLICATION THEREOF

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

The documents listed on the attached Form PTO-1449 were cited in a Search Report (copy attached) directed to a counterpart international or foreign application.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of * is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of * is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

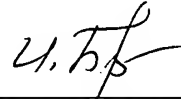
The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to

charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 246152015600. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 15, 2002

Respectfully submitted,

By: 

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Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>	Docket Number 246152015600	Application Number 10/018,009
	Applicant Juan F. MARTIN, et al.	
	Filing Date December 14, 2001	Group Art Unit To Be Assigned
	Mailing Date October 15, 2002	

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	09/1997	5,672,497	Cox et al.	435	320.1	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	2.	01/1995	WO 95/01098	WIPO			
	3.	03/1998	WO 98/11230	WIPO			

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	4.	Aparicio et al. "The Biosynthetic Gene Cluster for the 26-Membered Ring Polyene Macrolide Pimaricin. A New Polyketide Synthase Organization Encoded by Two Subclusters Separated by Functionalization Genes" Journal of Biological Chemistry 274(15):10133-10139 (1999)
	5.	Brautaset et al. "Biosynthesis of the Polyene Antifungal Antibiotic Nystatin in Streptomyces noursei ATCC 11455: Analysis of the Gene Cluster and Deduction of the Biosynthetic Pathway" Chemistry and Biology 7(6):395-403 (2000)
	6.	Database EMBL 'Online! Acc. No. AF263912, 25 May 2000 Brautaset et al: "Streptomyces noursei ATCC 11455 Nystatin Biosynthetic Gene Cluster, Complete Sequence" [Abstract]

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.